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**APPEALS BOARD  
UTAH LABOR COMMISSION**

**LENHART E. BROWN,**

**Petitioner,**

**vs.**

**UTILITY TRAILER and LIBERTY  
MUTUAL INSURANCE CO,**

**Respondent.**

**ORDER DISMISSING  
MOTION FOR REVIEW  
AS UNTIMELY**

**Case No. 06-0034**

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Lenhart E. Brown asks the Appeals Board of the Utah Labor Commission to review Administrative Law Judge Marlowe's denial of Mr. Brown's claim for benefits under the Utah Workers' Compensation Act ("the Act"; Title 34A, Chapter 2, Utah Code Annotated).

The Appeals Board exercises jurisdiction over this motion for review pursuant to Utah Code Annotated §63-46b-12 and §34A-2-801(3).

**BACKGROUND AND ISSUES PRESENTED**

In his motion for review, Mr. Brown argues that the medical panel lacked sufficient information regarding his job duties to determine the medical cause of his injuries. However, before considering the issue raised in Mr. Brown's motion for review, the Appeals Board must first determine whether the motion for review was filed within the 30-day time limit imposed by §63-46b-2 of the Utah Administrative Procedures Act.

**FINDINGS OF FACT**

The Judge Marlowe issued her decision in this matter on March 7, 2007. That same day, a copy of the ALJ's decision was mailed to Mr. Brown's counsel of record. On April 9, 2007, the Appeals Board received Mr. Brown's motion for review.

**DISCUSSION AND CONCLUSIONS OF LAW**

Section 63-46b-12 of UAPA allows a party dissatisfied with an ALJ's decision 30 days in which to file a motion for review with the Appeals Board. A motion for review is not "filed" until it is actually received by the Appeals Board.

In this case, Judge Marlowe's decision was issued on March 7, 2007. Mr. Brown's motion for review was due no later than Friday, April 6, 2007. However the motion for review was not received until April 09, 2007. Consequently, Mr. Brown failed to file his motion for review within

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the 30 day period allowed by law. The Appeals Board therefore lacks jurisdiction to consider this matter further.

**ORDER**

The Appeals Board dismisses Mr. Brown's motion for review as untimely. The prior decision of the ALJ remains in effect. It is so ordered.

Dated this 23<sup>rd</sup> day of April, 2007.

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Colleen S. Colton, Chair

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Patricia S. Drawe

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Joseph E. Hatch